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## **Robert Cowley's 'A Discourse of the Cause of the Evil State of Ireland and of the Remedies Thereof', c. 1526**

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ROBERT COWLEY'S 'A DISCOURSE  
OF THE CAUSE OF THE EVIL STATE OF IRELAND  
AND OF THE REMEDIES THEREOF', c. 1526

Presented by

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## INTRODUCTION

Amongst the hundreds of treatises written on government policy in sixteenth-century Ireland the dozen or so papers written on the 'reform' of Ireland during the early part of the reign of Henry VIII are of particular significance.<sup>1</sup> These texts introduced many of the *topoi* which came to dominate political discourse. For instance, 'The State of Ireland and Plan for its Reformation', usually dated to 1515, offered a detailed political anatomisation of Ireland according to its lordships which was utilised in scores of subsequent treatises.<sup>2</sup> Equally the analysis of the decay of the English lordship and the cultural degeneracy of the Old English community found in William Darcy's 'Articles' (1515) and Patrick Finglas's 'A Breviat of the Conquest of Ireland and of the Decay of the same' (c. 1515–1537) became central to interpretations of English rule in early modern Ireland. Accordingly these writings have featured in a wide array of historical studies.<sup>3</sup>

Given the acknowledged importance of these treatises the neglect of 'A Discourse of the Cause of the Evil State of Ireland and of the Remedies thereof', which was almost certainly written in the mid-1520s by the official and Butler-partisan, Robert Cowley, is unexpected. It is the most extensive treatment of Ireland written in the 1520s. As such it bridges the gap between the appearance of the 'State of Ireland' and Darcy's

- 1 See David Heffernan, 'Tudor 'reform' treatises and government policy in sixteenth-century Ireland' (PhD thesis, 2 vols, UCC, 2013), i, pp 15–23, for an overview of the importance of the early Tudor treatises.
- 2 See, for example, William Russell?, 'A discourse of the present state of Ireland and the way to redress and reform the same', 1579 (BL, Cotton MS Titus B XII, ff 347v–54v), the opening sections of which are copied almost *verbatim* from the opening passages of the 'State of Ireland'.
- 3 In particular Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge, 1979), pp 36–57, argued that the constitutional changes which occurred in Ireland in the early 1540s had their origin in the ideas adumbrated in these writings. See also D. G. White, 'The Tudor Plantations in Ireland before 1571' (PhD thesis, 2 vols, TCD, 1968). More recently Christopher Maginn and Steven Ellis, *The Tudor discovery of Ireland* (Dublin, 2015), have argued that these writings were critical in the Tudor discovery of Ireland.

'Articles' in 1515 and the flood of writings that appeared in the aftermath of the Kildare rebellion of 1534.<sup>4</sup> Moreover, as we shall see, it introduced a number of key ideas into the debate on Ireland. The reasons for this neglect are relatively clear. During the eighteenth and nineteenth centuries the 'State of Ireland', Darcy's 'Articles' and Finglas's 'Breviat' were published, although the accuracy of these editions varied.<sup>5</sup> By contrast, the full text of the 'Discourse' has never appeared in print. The document was calendared in volume four of *Letters and Papers, foreign and domestic, of the reign of Henry VIII* published in 1872.<sup>6</sup> However this entry compressed the text to less than half its size and the proposals at the end of the treatise were particularly condensed. Additionally where unclear terminology was employed or where the manuscript was difficult to decipher, the calendar simply omitted the specific passage or sentence entirely. Moreover historians have been forced to rely on the sole extant copy found in Lansdowne MS. 159 in the British Library amongst a collection of sixteenth-century papers on Ireland collected by the Jacobean Chancellor of the Exchequer and Master of the Rolls, Sir Julius Caesar, which not all historians have ready access to.

The neglect of 'A Discourse' can also be attributed to questions over the authorship and dating of the document. Although the hand appears of the reign of Henry VIII, indicating a contemporary copy, it is neither signed nor dated, while the endorsement gives only the title. The 'Discourse' has been attributed to Thomas Bathe on the basis of evidence gleaned from a letter from Robert Cowley to Cardinal Thomas Wolsey in 1528.<sup>7</sup> Here he noted that 'One Bath, of Irland, hath made a boke to present to your Grace, feynynge it to bee for the reformation of Irland. But the effect is, but to dryve the Kynge to the extremyte to sende home my Lord of Kildare

4 Heffernan, 'Tudor 'reform' treatises', i, pp 15–23, 58–72.

5 John Kite?, 'The state of Ireland and plan for its reformation', c. 1515, in *State Papers during the reign of Henry VIII* (11 vols, London, 1830–1852) (henceforth *SP Henry VIII*), ii, no. 1. This version of the 'State' is largely accurate, but omits some brief passages at the start and end of the text, which significantly reveal that 'The State' is based on a treatment of Ireland, the *Salus Populi*, written in verse, most likely at some time in the late fifteenth-century. For a full copy with these passages, see BL, Add. MS 4,792, ff 95–110. For the eighteenth-century version of Finglas's paper, see Walter Harris (ed.), *Hibernica, or some antient pieces relating to Ireland* (2 vols, Dublin, 1757), i, 39–52. The actual text of the 'Breviat' cuts off on p. 45 in this version. For an accurate version of the 'Breviat', see Maginn and Ellis, *The Tudor discovery*, pp 69–79. For the most regularly cited copy of Darcy's articles, see J. S. Brewer et al., *Calendar of the Carew Manuscripts, 1515–1625* (6 vols, London, 1867–1873), i, no. 2, which contains just four of the 'Articles'. For the most complete extant copy of the 'Articles' containing eight clauses, see Maginn and Ellis, *The Tudor discovery*, pp 91–3.

6 *Letters and Papers, foreign and domestic, Henry VIII* (21 vols, London, 1862–1932), iv (2), no. 2405.

7 White, 'The Tudor Plantations in Ireland before 1571', i, 48–54, attributes the document to Bathe. Ciaran Brady, *The Chief Governors: the rise and fall of reform government in Tudor Ireland, 1536–1588* (Cambridge, 1994), p. 249, has followed White's attribution.



with auctoritie'.<sup>8</sup> On the surface this points to Bathe as the author. However, internal evidence points towards a date of composition between August 1524, when the earl of Kildare was made lord deputy, and February 1528, when the earl of Ormond was created earl of Ossory in compensation for the imminent bestowal of the earldom of Ormond on Thomas Boleyn.<sup>9</sup> Given that Cowley's letter was composed after the bestowal of the Ossory title and that the 'Discourse' refers to 'Ormond' throughout it is unlikely that the 'boke' Cowley refers to could be the 'Discourse'. In any event a reading of the 'Discourse' reveals it to be a highly partisan pro-Butler broadside which could not be Bathe's pro-Kildare treatise referred to by Cowley.

A stronger case can be made that Cowley himself was the author of the pro-Butler 'Discourse'. Crucially Cowley was an agent of the earl of Ormond during the period between 1524 and 1528. He also spent a year in England between 1525 and 1526 seeking to discredit Kildare.<sup>10</sup> Additionally Cowley was an avid composer of treatises and would go on to write at least half a dozen policy papers in the decade or so that followed, a proclivity he passed on to his son, Walter.<sup>11</sup> Moreover there are significant similarities in the ideas proposed in the 'Discourse' and Cowley's later treatises.<sup>12</sup> Internal evidence from the 'Discourse' points towards an individual with mercantile interests such as those Cowley had established in Dublin since the early sixteenth-century. Moreover, Fiona Fitzsimons, who has attributed the 'Discourse' to Cowley, has demonstrated that there are linguistic similarities between the treatise and other Cowley writings of the 1520s.<sup>13</sup> Thus, when he wrote to Wolsey in 1528 Cowley was seeking to discredit

8 'Robert Cowley to Wolsey', 1528 (*SP Henry VIII*, ii, no. 53, p. 142).

9 Fiona Fitzsimons, 'Cardinal Wolsey, the native affinities and the failure of reform in Henrician Ireland', in David Edwards (ed.), *Regions and rulers in Ireland, 1100–1650: essays for Kenneth Nicholls* (Dublin, 2004), pp 78–121; p. 85, notes these internal clues as to the dating of the document.

10 For Robert Cowley, see *Dictionary of Irish Biography* (DIB).

11 See note 26 below for Cowley's other treatises. For examples of Walter's writings see: Walter Cowley, 'Certain causes of the mysordre and debate in Irland', c. 1533 (*SP Henry VIII*, ii, no. 64); 'W. Cowley to Crumwell', 1536 (*SP Henry VIII*, ii, no. 131); 'Walter Cowley to Edward Bellingham', 1549 (TNA, SP 61/2/12); 'Device by Walter Cowley for reformation of certain exactions in the country of Cahir McArt Kavanagh, who has made a very honest offer, which is meet to be embraced and well accepted', 1549 (TNA, SP 61/2/25(i), printed in Herbert J. Hore and James Graves (eds), *The social state of the southern and eastern counties of Ireland in the sixteenth century* (Dublin, 1870), Appendix).

12 For instance, 'R. Cowley to Crumwell', 1536 (*SP Henry VIII*, ii, no. 129) proposes a drive towards the Shannon and extensive military conquest which mirrors the 'Discourse'. 'The device of Robert Cowley, for the reformation of Ireland and improvement of the revenue there', 1538 (TNA, SP 60/7/45), proposes something akin to 'surrender and regrant' in a fashion similar to the 'Discourse'.

13 Fitzsimons, 'Cardinal Wolsey', p. 85.

Bathe's pro-Kildare piece which he expected would soon find its way into the cardinal's hands, thus possibly offsetting some of the proposals he made in his own pro-Butler 'Discourse'. There is then substantial internal and contextual evidence to confidently posit that Robert Cowley was the author of the 'Discourse' and that it was written in the mid-1520s.

This argument can be reinforced by what we know of Cowley's biography. His background is unclear. The Cowley name was common in Kilkenny city during the fifteenth-century and this, combined with his later affiliation with the Butlers, has understandably led many to assume him to be a native of the region. However, the near-contemporary *Book of Howth* asserts that Cowley was born in England.<sup>14</sup> More certainty is possible concerning his career from the start of the sixteenth-century. In 1502 he was at Lincoln's Inn in London. By 1505 he was living in Dublin where he developed mercantile interests and had become part of the secretariat of the eighth earl of Kildare. However with the succession of Gerald Fitzgerald, ninth earl of Kildare, in 1513 Cowley was dismissed from the employ of the Geraldines. He entered the service of Piers Butler who was to become eighth earl of Ormond in 1515. Over the next decade he would act as a legal advisor to Ormond and as an envoy between Ireland and the royal court in England. Crucially, this period was marked by rivalry between Ormond and Kildare for hegemony over the government of Ireland.<sup>15</sup> Between 1520 and 1524 Cowley served as clerk of the council in Ireland, only to be demoted upon Kildare's return as viceroy in 1524. Thus, not only was Cowley acting as an agent of Ormond in the 1520s but he had personal reasons for writing an anti-Kildare piece such as the 'Discourse'.<sup>16</sup> These in brief are the details of Cowley's career up to the time of the composition of the 'Discourse'.

The treatise offers an analysis of the state of Ireland and the means to 'reform' the same. Despite inferences that it formed part of a Henrician reform movement in Ireland inspired by the tenets of Christian Humanism the text displays no such intellectual influence.<sup>17</sup> Cowley divided his text into three parts, dealing firstly with 'the occasions of the decay of the land', secondly with 'ways and remedies to reform the land' through both a

14 DIB.

15 D. B. Quinn, 'Henry VIII and Ireland, 1509-34', *Irish Historical Studies (IHS)*, 12 (1960-61), pp 318-44; also, see the sections on this period by Quinn in Art Cosgrove (ed.), *A New History of Ireland, II, Medieval Ireland, 1169-1534* (Oxford, 1987), pp 662-87; Fitzsimons, 'Cardinal Wolsey'.

16 DIB.

17 Bradshaw, *The Irish constitutional revolution of the sixteenth century*, pp 36-57, argues that these early Tudor treatises were so influenced. For a comprehensive refutation of this argument, see Fitzsimons, 'Cardinal Wolsey', pp 80-92.

'general reformation' and a 'particular reformation', and thirdly outlining 'how the king's revenues in Ireland might be enlarged...during the time of the reformation' (f. 5v).

Cowley's analysis of the causes of the decay of the English lordship followed that of his near contemporaries. Yet it diverged from the views of Darcy, Finglas and others in some important respects (ff 5r–9r). Like his contemporaries, Cowley argued that the decay of English law and culture throughout the lordship and the gaelicisation of the English was at the heart of the 'Evil State' of Ireland. Moreover he argued that the earls of Kildare had played a pivotal role in facilitating this and that the absenteeism in England of many of the English landholders of the march region had led to the resurgence of Irish power. Where Cowley diverged from his contemporaries was in identifying the civil wars of England during the fifteenth-century as critical in the decline of English power in Ireland, noting 'A great cause of the desolation of the land... hath grown by reason of the dissention in England betwixt the houses of Lancaster and York' (f. 5v). Moreover this had not ceased in 1485 and the support both Lambert Simnel and Perkin Warbeck had found in Ireland was symptomatic of the trouble brewed there by the civil wars. In noting this he again cast aspersions on the loyalty of the earls of Kildare. Finally, Cowley argued that senior officials in Dublin had facilitated the decline of the lordship by confining themselves to the Pale and making false reports of the quiet of the land. Thus, Cowley argued, they had 'diminished the king's jurisdiction from a large forest to a narrow park' (f. 9r).

Cowley proceeded to the 'general reformation' of Ireland. Beginning by noting that there were seven English shires outside the Pale (ff 9r–12r), he here makes reference to a 'plat' or map (f. 9r). While there is no map extant with the manuscript, it is almost certainly the map found in Cotton MS Augustus I, ii, 21 in the British Library, which is the earliest extant map of sixteenth-century Ireland.<sup>18</sup> The places mentioned throughout the 'Discourse' — including more obscure place-names — also feature on this map. Moreover it is heavily skewed to present the portions of Ireland which Cowley speaks of in the 'Discourse' as much bigger than the regions of the country which are largely ignored in the treatise. Thus, the Cotton map is almost certainly that referred to in the 'Discourse' or else a near copy derived from the map that originally accompanied the 'Discourse'.

The prescriptions laid down for the 'general reformation' of Ireland were commonplace to the time. A non-noble viceroy should be appointed

18 BL, Cotton MS Augustus I, ii, 21. The association between the 'Discourse' and this map has been made before: see J. H. Andrews, 'Colonial cartography in a European setting: the case of Tudor Ireland', in David Woodward (ed.), *The history of cartography, Volume 3* (Chicago, 2007), pp 1670–83.

in order to divest the earls of Kildare of the chief governorship. Laws reflecting the statutes of Kilkenny should be imposed to encourage the use of the English language, prevent the wearing of Irish apparel and to curb recourse to brehon law. Equally trade should be regulated by prohibiting foreign merchants from trading anywhere except the major corporate towns such as Dublin, Waterford and Cork. Enclosures and the production of corn should also be encouraged. Finally, Cowley introduced a novel proposal which was for Wolsey to acquire legatine jurisdiction from the Pope in Ireland, whereby he might channel the income from the Irish church towards financing the reformation of Ireland.<sup>19</sup>

Cowley proceeded to the 'particular reformation' (ff 12r–13v). The lordships of the MacMurrough Kavanaghs and the O'Byrnes were to be reduced by establishing English garrisons and settlements at locations such as Ross and Carlow. These, he argued, were strategically encircled by pockets of English power in the Pale, Wexford, Waterford and the earldoms of Kildare and Ormond and so should be easily conquered. The reduction of 'south Leinster' was a central plank of the strategic thinking of policy speculators in Henrician Ireland and featured in both the 'State' of 1515 and Finglas's 'Breviat'. Towards the end of the 'Discourse' the clearly delineated structure of Cowley's paper begins to break down as he returns to prescriptions for the 'general reformation', calling for the duke of Norfolk to be appointed with an army of 4,000 men to conquer the country. Extensive details are then provided on how this force should be victualled (ff 13v–14v).

This leads into the third and final section of the 'Discourse', that dealing with the increase of revenue yields in Ireland in order to fund the 'reform' programme (ff 14v–17v). Here Cowley outlined the scheme now termed 'surrender and regrant'.<sup>20</sup> 'Motions' were to be sent to O'Neill, O'Donnell and MacWilliam Burke that the king desired to 'reform' the land and accordingly he wished for these lords 'to surrender and yield into the king's hands it all the interest, title and possession that they have in their lands, putting in their pledges for the same', and that thereby 'the king will suffer them to have their lands forthwith again yielding to him a light chief rent yearly' (ff 14v–15r). To neutralise any threat from these lords, acrimony between them should be actively fostered. In this environment the 'particular reformation' of south Leinster could

19 A similar use of Wolsey's legatine power to advance the 'reform' of Ireland had been proposed by the Archbishop of Armagh, William Rokeby, in 'Memoranda for Ireland', 1520, in *Letters and Papers, foreign and domestic, Henry VIII*, iii (1), no. 670.

20 For a recent survey, see Christopher Maginn, "'Surrender and Regrant' in the historiography of sixteenth-century Ireland", *The Sixteenth Century Journal*, 38:4 (2007), 955–74.

be undertaken. Once the MacMurrough Kavanaghs and O'Byrnes were conquered the viceroy could then proceed westwards to the Shannon, first reducing the O'Connors and then other lordships such as the O'Mores and O'Melaghlins as he proceeded. Through each country that was conquered freeholds would be established from which a very high rent of four pence per acre would accrue to the crown. These, along with the rents from those Irish lords who chose to take their lands of the crown, would finance the reformation advocated by Cowley. Finally, Cowley urged that when the land was reformed that it should be governed not by a sole deputy who would exercise too great a power as the earls of Kildare had attained, but that five 'captains' should each have a jurisdiction to govern (ff 17v–18r).

'A Discourse of the Cause of the Evil State of Ireland and of the Remedies thereof' was the most substantial extant treatise on Ireland written in the 1520s. It is thus highly significant that the 'Discourse' was primarily concerned with the reduction of the lordships of south Leinster, as this would become the predominant concern of officials in Ireland in the aftermath of the Kildare Rebellion.<sup>21</sup> The 'Discourse' is equally significant in articulating the programme of 'surrender and regrant' over a decade before Anthony St Leger and Thomas Cusack put it into practice. Moreover, although it has gone virtually unnoticed in the historiography of the period, there is evidence that St Leger viewed 'surrender and regrant' as a means of ensuring that the greater Irish lords such as O'Neill would not trouble the government while it sought to reduce south Leinster, just as the 'Discourse' argued.<sup>22</sup> Additionally the 'Discourse' predicted the problems which would flow from having to provide for the supply and pay of a large military establishment in Ireland to conduct a conquest. In this sense the paper foreshadowed the problems wrought by the 'cess' and 'composition' later in the century.<sup>23</sup> Despite this it is difficult to determine what tangible impact the 'Discourse' had. In the immediate term it may have contributed to a growing consensus that south Leinster should be reduced. More saliently it may have added to the growing distrust of the house of Kildare in England and facilitated the fall thereof in the years that followed. Unfortunately though there is no tangible evidence of the paper's impact.

21 David Heffernan, 'The reduction of Leinster and the origins of the Tudor conquest of Ireland, c. 1534–1546', *IHS*, 40 (2016), pp 1–21; Christopher Maginn, *"Civilizing" Gaelic Leinster: the extension of Tudor rule in the O'Byrne and O'Toole lordships* (Dublin, 2005), pp 46–54.

22 Anthony St Leger, 'Sentleger to King Henry VIII', 1542 (*SP Henry VIII*, iii, no. 365, pp 377–8).

23 For a succinct introduction to these issues, see Ciaran Brady, 'Conservative subversives: the community of the Pale and the Dublin administration, 1556–86', in Patrick Corish (ed.), *Radicals, rebels and establishments, Historical Studies XV* (Belfast, 1985), pp 11–32.

Cowley's role in the government of late Henrician Ireland continued. He may have been pivotal in driving the Kildare Geraldines into revolt in 1534 by undermining their claim to the palatine jurisdiction of Kildare through the provision of evidence that the liberty had expired in the early fifteenth-century.<sup>24</sup> In the aftermath of the revolt Cowley became a prime mover in the lobby to have a more aggressive strategy of regional conquest adopted such as had been outlined in the 'Discourse'. However, where many other members of the Irish council and officials restricted their aims to reducing the lordships of the MacMurrough Kavanaghs, O'Byrnes and O'Tooles in Wicklow and Carlow, or 'south Leinster', Cowley continued to argue for a much more expansive conquest westwards to the Shannon and north into Ulster.<sup>25</sup> Accordingly he wrote at least six treatises in the late 1530s promoting his ideas.<sup>26</sup> One of these has garnered considerable attention for providing the staunchest advocacy of a brutal policy of scorched earth tactics as a weapon of war in Ireland that would be seen until the 1590s.<sup>27</sup> Though his proposals were not generally adopted he continued to find favour and was eventually appointed as master of the rolls in 1539. However his career came to an abrupt conclusion in the early 1540s when his efforts to bring charges of corruption against the lord deputy, Anthony St Leger, misfired and resulted in his own removal from office and a brief imprisonment.<sup>28</sup> He died in 1546 just as the aggressive policy of regional conquest he had outlined in the 'Discourse' was being undertaken in the Irish midlands.<sup>29</sup>

24 *DIB*.

25 Heffernan, 'The reduction of Leinster'.

26 Robert Cowley, 'The state of the realm of Ireland', c. 1533 (TNA, SP 60/6/53); 'The Devises of Robert Cowley, for the furtheraunce of the Kinges Majesties affayres in His Graces land of Irland', 1536 (SP Henry VIII, ii, no. 147); 'R. Cowley to Crumwell', 1537 (SP Henry VIII, ii, no. 171); 'The device of Robert Cowley, for the reformation of Ireland and improvement of the revenue there', 1538 (TNA, SP 60/7/45); 'R. Cowley to Crumwell', 1539, SP Henry VIII, iii, no. 275; 'For the Reformacion of Irland', 1541 (SP Henry VIII, iii, no. 353).

27 See 'R. Cowley to Crumwell', 1536 (SP Henry VIII, ii, no. 129, p. 329), for Cowley's recommendation of the destruction of the crops of the Irish; see Ciaran Brady, 'The road to the View: on the decline of reform thought in Tudor Ireland' in Patricia Coughlan (ed.), *Spenser and Ireland: an interdisciplinary perspective* (Cork, 1989), pp 25–45; Heffernan, 'Tudor 'reform' treatises', i, 22–3, 251–2, for discussions of Cowley's treatise in the development of a policy of scorched earth in Ireland.

28 *DIB*.

29 D. G. White, 'The reign of Edward VI in Ireland: some political, social and economic aspects', *IHS*, 14 (1964–5), 197–211; David Edwards, 'The escalation of violence in sixteenth-century Ireland', in David Edwards, Padraig Lenihan and Clodagh Tait (eds), *Age of atrocity: violence and political conflict in Early Modern Ireland* (Dublin, 2007), pp 34–78; Heffernan, 'The reduction of Leinster'.

**Editorial Note**

The original spelling of the document is archaic in places. Consequently the text has been modernised. The layout of the text has been retained as faithfully as possible. Roman numerals have been changed to Arabic. Instances of repetition have been silently omitted. There are a few deletions on the manuscript, but these were minor, add nothing to the text and are also omitted. Words in square brackets are additions to make the text more comprehensible. The foliation followed is the revised foliation which is to be found in the top right hand corner of the *recto* sides of the folios, without a strike through the letters. The manuscript has suffered some water damage on the bottom corner of the leaves, particularly so towards the end of the text. Additionally the manuscript is slightly frayed towards the bottom right of the *recto* sides of the folios obscuring a handful of words.

**Acknowledgements**

I am grateful to the British Library Board for permission to reproduce the text.



[Robert Cowley]

[f. 4r] 'A Discourse of the Cause of the Evil State of Ireland and of the Remedies thereof', c. 1526<sup>30</sup>

BL, Lansdowne MS 159, ff 4r–18r

[f. 5r] To make my preface and ceremony to you (most famous lantern of grace<sup>31</sup>) condign, or yet of compendious conveyance of sentence to express my purpose, I have enterprised the treatise ensuing, without deliberation of good zeal to instruct your mastership [of] my poor mind for the reformation of Ireland, not presuming to have so much experience or knowledge thereof as certain others, but doubting that some which have good experience and power to advance the said reformation would discourage the king in his proceeding thereunto, assigning many great doubts, fearing that such a reformation should [bend]<sup>32</sup> their particular proudness, as in losing their high authority and great profits, and perchance certain lands whereunto they have slender title might be in jeopardy of trial of the laws, wherefore I standing upon no possibility of such prejudice rudely proceed to my matter which it might please your mastership to accept in degree not as it is in value, but after my good intent. For briefness of time I do but touch certain points as presently occur in mind and as [they] hereafter shall further come to my remembrance I shall accordingly advertise your mastership.

I have 'tripartid' this treatise, first to show the occasions of the decay of the land, the increase of Irishmen and enfeebling of the king's subjects.

[f. 5v] In the second part the ways and remedies to reform the land, to subdue Irishmen and extol the king's subjects, which is in two parts: one touching a general reformation which must be after a certain device, the other for a particular reformation and a preparative to the general reformation without putting the king to great charge.

The third is how the king's revenues in Ireland might be enlarged and augmented towards the maintenance of the charges during the time of the reformation and after to be a yearly profit to the king's treasury.

A great cause of the desolation of the land should seem to be of the remissness of the king's progenitors that have not substantially seen to the

30 A contents listing inserted at the outset of the manuscript (ff 1–2) gives the title as 'The Discourse of the ill state of Ireland and the remedies thereof' (f. 1r).

31 Cardinal Thomas Wolsey.

32 The manuscript is frayed at the edge here but the word begins 'be...' and may read 'bend'.



land, the default whereof might be thought hath grown by reason of the dissention in England betwixt the houses of Lancaster and York for the title of the crown, and sometimes the one party hath reigned, and other seasons the other party.

And he that had possession so much doubted his adversary pretending title that all his study and exploits hath been to maintain his possession and prevent his adversary, whereby they have not had opportunity to provide for Ireland. And during the said dissention much of the king's inheritance in Ireland, as well appertaining to the crown as to the earldom of Ulster, parcel of the king's inheritance as heir to the earl of Ulster by his mother, which earldom hath been of yearly rent 30,000 marks<sup>33</sup>, and all so much lands of the inheritance of divers lords of England within Ireland have been intended and usurped as well by the king's subjects as by Irishmen who yet possess the same.

[f. 6r] Now thanks be to god the said dissention is clearly extinguished and quenched and both the titles utterly and undoubtedly closed and included in the king's grace, whereby his highness may and soon better see to the land than any of his progenitors.

And semblable<sup>34</sup> dissention hath continued in Ireland for the monarchy and rule of the same betwixt the Geraldines and the Butlers. The earl of Kildare and the earl of Desmond be founded out of one stock and [race] called the Geraldines who hath kept one band and of the sect or party of the house of York,<sup>35</sup> always holding that band as was seen in the king's most noble father's days, what time an organ-maker's son named one of king Edward's sons came into Ireland, was by the Geraldines received and crowned king in the city of Dublin.<sup>36</sup> And with him the earl of Kildare's

33 £20,000.

34 Meaning *similar*.

35 Gerald Fitzgerald (1487–1534), ninth earl of Kildare, succeeded his father to the title in 1513. He was the lord deputy of Ireland on a number of occasions (1513–8, 1524–5, 1532–4), but the frequency with which he was summoned to England (1518–23, 1525–30, 1531 and 1534) indicates that he did not enjoy the total trust of the Crown: *DIB*; James Fitzmaurice (Fitzgerald), tenth earl of Desmond (d. 1529), was proclaimed a rebel and a traitor, and attained for treason in 1522: *DIB*.

36 Lambert Simnel, the son of an Oxford commoner variously supposed to have been an organ maker, carpenter or baker, was trained by an Oxford priest, William Symonds, to impersonate the younger son of Edward IV, and later Edward's nephew, the earl of Warwick. He was brought to Ireland in the winter of 1486/7 and was crowned king of England at Dublin in 1487. Having crossed with an army to England in the summer of 1487 his cause was defeated at the battle of Stoke on 16 June 1487: see Michael Bennett, *Lambert Simnel and the battle of Stoke* (Stroud, 1987).

father<sup>37</sup> sent his brother, Thomas<sup>38</sup>, with much of his people, who with the earl of Lincoln<sup>39</sup>, Martin 'Swarte' [Schwartz]<sup>40</sup>, and others gave a field unto the king's father, where the earl of Kildare's brother was slain.

Another season one Perkin Warbeck<sup>41</sup> naming him[self] son to king Edward was entertained with the earl of Desmond and besieged Waterford and other towns and made great trouble in Ireland. Divers other like things I could show which I pass out<sup>42</sup> in eschewing fatigation<sup>43</sup>.

The earl of Ormond and his kinsmen be called Butlers whose lands lie betwixt the earl of Kildare called the Geraldines of the east and the earl of Desmond called the Geraldines of the west, which 'interposicon' hath doth good in times past, etc.,<sup>44</sup> [f. 6v] and necessary to be preserved, which Butlers have always been of the sect and band of the house of Lancaster. And for the same the earl of Ormond in king Edward the 4th his days was attainted and lost the earldom of 'Wylsheire' [Wiltshire].

Another great cause of the desolation of the land should seem to be by reason that the lords and gentlemen having march lands have given over their habitations upon their march lands and for their ease and pleasure's part have repaired into England to dwell, and others into [the] heart of the English Pale, leaving their march lands without sufficient defence, whereby

37 Gerald FitzGerald (1456/7–1513), eighth earl of Kildare, see *DIB*.

38 Thomas FitzGerald (c. 1458–1487), brother to the eighth earl of Kildare. He led the Irish contingent to England in support of Simnel's cause and was killed at the battle of Stoke; see *DIB*.

39 John de la Pole (c. 1460–1487), earl of Lincoln, was a supporter of Richard III, but quickly made an apparent reconciliation with the Tudor regime. Shortly thereafter he became a senior advocate for the cause of the pretender, Lambert Simnel, and was one of the leaders of the army which invaded to install him as king of England in 1487. Lincoln died, along with the hopes of installing Simnel as king, at the battle of Stoke in June 1487: see *Oxford Dictionary of National Biography* (ODNB).

40 Schwartz (d. 1487) was a German mercenary commander who was sent by Margaret of Burgundy with a contingent of largely Swiss pikemen to aid Lincoln in placing the pretender, Lambert Simnel, on the throne of England. He died at the battle of Stoke in 1487. Schwartz was immortalised in John Skelton's poem 'Agaynst a comely coystrowne' (c. 1495): see *ODNB*.

41 Another pretender to the throne of England, Warbeck claimed to be Richard of York, the younger son of Edward IV. His claim was pressed through most of the 1490s: see Ian Arthurson, *The Perkin Warbeck conspiracy, 1491–1497* (Stroud, 1994).

42 This reads 'out' but perhaps 'over' was meant.

43 The action of wearying.

44 Piers Butler, eighth earl of Ormond (c. 1467–1539), who succeeded his father in 1515, was lord deputy of Ireland (1521–24, 1528–9) and, as head of the Butlers of Kilkenny, an inveterate rival of Gerald, ninth earl of Kildare (see note 35): *DIB*.

the Irishmen have entered into the same lands and kept possession thereof.

The third and most principal cause should seem to be of the great rulers of the land, every having his Irish judge, which after the Irish laws, void of all reason, equity and good conscience, after their wills discuss the substance of all causes and contentions, being a plain exile and subversion of the king's laws. And the same great rulers themselves delight more to speak Irish than English whereby the common people be inclined to the same, in proof whereof the county of Kildare, named one of the 4 obeisant<sup>45</sup> shires in the English Pale (unmete), in all the shire may be heard [not] one word of English spoken but all Irish. For the more part also of Irish habit and tonsures above the ears with over lips and Irish garments, so that no diversity is betwixt them [f. 7r] and mere Irishmen, saving that the mere Irishmen have better manners and more flexible to be ordered and reconciled than they of the English Pale.

It cannot be denied but the earl of Kildare, being the king's deputy, hath power and wisdom sufficient to reform all these enormities, especially in his own dominion. Then it must be thought he doth tolerate it for some mystery. Some think that he would not that his kinsmen and servants should have too sore a yoke of the king's law in their necks, whereby they should lose their prescription of ancient customs, that is to wit sometimes to be lambs when they perceive their captain too satiated and pleased, and when they perceive the contrary then they weep wild as ravishing wolves and make such devouring of innocent lambs and trouble that all the country is in a season and exclamation that all goeth to wrack<sup>46</sup> unless these wolves be charmed and reduced to the state of lambs, and this lyeth in no man saving in their captain. And he can never charm them but by one medicine, that is to have the king's sword borne before himself. And when that is once seen all the wolves be converted to lambs as hath been evidently proved by the earl of Kildare's father's days, who kicked and winced when any other deputies were made, and made them glad to flee into England, as upon examination I can evidently prove and express. And now late upon the duke of Norfolk's arrival in Ireland as the king's lieutenant<sup>47</sup> O'Neill's near kinsman and great friend to my lord of Kildare was the first that with his power entered the English Pale in so much that the said duke [f. 7v] not being landed three days upon Whitsunday was fain to address his army forwards for resisting of the said O'Neill. And he

45 Meaning *obedient*.

46 Meaning *to an inferior quality*.

47 Thomas Howard (1473–1554), earl of Surrey and third duke of Norfolk, served as the king's viceroy (lord lieutenant) in Ireland from 1520 to 1521, though at the time he had not succeeded to the dukedom and held the lesser title of earl of Surrey: see *DIB*.

himself the Monday after advanced him against the said O'Neill, till he chased him to the wood where O'Neill said that he would chase the English aliens home again in the same ships that they came in and would make the king to send home his cousin the earl of Kildare whether he would or not, and after said that he awaited the coming of his said cousin which being arrived they would betwixt them rule all Ireland, and except the said earl had come in by Christmas O'Neill would subvert all Ireland. And during as well the time of my lord of Norfolk, as after during the earl of Ormond's being in office, all the trouble, spoils and enormities done in the land was by the kinsmen, servants and adherents of the earl of Kildare, and as soon as the sword was given to the earl of Kildare all the said wolves became lambs and O'Neill so humble that he himself *vulpis in pelle agnus*<sup>48</sup> bore the sword before my lord of Kildare, covering his shaven poll<sup>49</sup> with a coif,<sup>50</sup> which was a monstrous sight to behold. The king's sword in Ireland may be resembled to king Arthur's Siege Perilous<sup>51</sup> which was ordained but for one man, for Lancelot's son. And if any other would attempt to sit therein he might not escape without a great danger. So it is of the king's sword in Ireland. Whosoever toucheth it saving one man shall be put to a great extremity and all his adherents and partakers.

[f. 8r] This vulgar Irish tongue induceth the habit, the habit induceth the conditions and inordinate laws and so the tongue, habit, laws and conditions maketh mere Irish.

This king's courts of his laws [are] kept continually at Dublin in a corner of the land where the king's subjects of the remote parts of the land might not repair for justice by reason of the great distance and dangers of Irishmen inhabiting betwixt. And no commissioners sent amongst them. And the deputies and head officers too resident together about Dublin, regarding but their private weal, nothing pondering the residue of the king's subjects of the land, which hath caused all the king's subjects of the remote parts to incline unto Irish laws and every captain hath his Irish judge called brehon, which Irish laws hath induced the habit, the tongue and manners so that no diversity betwixt the king's subjects and mere Irishmen, every of

48 'Like a fox in lamb's skin'. The idiom was in widespread use in the sixteenth-century as a derivation of 'Like a wolf in sheep's clothing', taken from Mathew 7:15.

49 The part of the head on which the hair grows.

50 A skull cap.

51 The Siege Perilous was a seat which was left vacant at the Round Table; it was reserved for the knight who would successfully return to Camelot with the Holy Grail. In earlier versions of the Arthurian legend the seat was ordained for Perceval, however the reference here is to Lancelot's son, Galahad, who became associated with the recovery of the Grail and the Siege Perilous in later versions of the legend.

them making war one upon another, drawing Irishmen upon other to their own confusions and destructions. And now the earl of Kildare and the earl of Ormond have their Irish judges to the subversion and extinguishing of the king's laws.<sup>52</sup>

Item, the great possessioners dwelling in the heart of the English Pale keeping little ordinary houses as they were in a land of peace, having no man for guarding of their march lands in providing the defence thereof, but casting the brunt and burden thereof upon the poor march gentlemen which be so sore overcharged that they be not able to live, and by duress thereof be fain to marry and nourish with Irishmen, whereby they owe such favour unto the Irishmen that they [suffer]<sup>53</sup> the Irishmen to make roads<sup>54</sup> into the English country [and]<sup>55</sup> so one mischief followeth another. [f. 8v] Also, that such as have great possessions in the church whose predecessors were accustomed to be resident upon their benefices, keeping good houses and contributory to the wars, now dwell in England, their houses going down and no assistance giving to the defence of the land, taking the profits into England. And now there falleth no dignity in Ireland but that some abbot or prior in England that have too much before maketh labour for it and never intendeth to see the land, which is a good 'man'<sup>56</sup> to destroy all.

This pernicious example of the great rulers exciteth all the residue to the same in so much as except in Dublin, Drogheda and very few lords' houses in the English Pale all the English Pale of late time be transported from English to Irish.

The earl of Ormond on the other side seeing he hath no charge or profit of the king's subjects in his parts shifteth and provideth only for himself and such as specially appertain to him, suffering the residue of the king's subjects at large which be in great perplexity, for the deputy by his distance provideth no redress for them. And the earl of Ormond being near having no care nor profit doth tolerate, which causeth the malefactors to be bold.

The 4th cause of the ruin of the land may be thought by reason that all the king's council and head officers have gathered them together in a corner of the part of [the] 4 shires, naming it the English Pale, and study no more but

52 The criticism of Ormond is hard to square with the view of the 'Discourse' as a pro-Butler broadside, but it may well be that the author was attempting to not come across as too partisan.

53 Manuscript frayed.

54 As in the sense of riding with a hostile intent against a person or district.

55 Manuscript frayed.

56 The meaning is unclear here. The word is spelt 'man' but given the context could mean 'man', 'means' or even 'manner'.

their particular weal and ease. [f. 9r] And they being at rest make relation to the king that all the land is in good quiet, they taking no further charge of the wealth or adversity of the land then the Venetians do of the Scots. And so by policy have diminished the king's jurisdiction from a large forest to a narrow park.

There is besides the 4 shires named the English Pale 7 other shires joining together as by the plat<sup>57</sup> may appear, as the counties of Carlow, Wexford, Kilkenny, Tipperary, Waterford, Limerick, Cork and Kerry, besides many other large places as Connacht, whence be many more good towns than is in the English Pale, without whose assistance the English Pale might feebly resist the power of Irishmen<sup>58</sup> but 'breivly' [briefly] would be constrained to repair into England for they have drawn them self to the door of the passage at the sea coasts, where with policy and manhood they might inhabit further within the main land. And therefore if the king's grace will break that narrow English Pale and make a large English forest his grace may be assisted and have advertisement as well of his subjects in the west as in the east and provide as well for the indemnity of the one as of other. It is presently seen that instantly the king is informed how all Ireland is [in] good rest and peace because they of the English Pale be in quiet, yet is the earl of Desmond, the 'Brennys'<sup>59</sup> and other Irishmen at daily war upon the earl of Ormond's lands and other the king's subjects. So [for] the particular reformation and preparation of the general reformation it shall be necessary first to reconcile the king's erroneous subjects which so far be in error of their natural duty of allegiance, not knowing their [prince]<sup>60</sup>, [f. 9v] but rather reputed their governors as their sovereign than the king, deluding the king's provision for the reformation of the land, adjudging the same but a cherry fair and within two years the king shall be fatigued<sup>61</sup> and they at their former liberty to bear their inordinate affection at their pleasures. That a sad and substantial, discrete mean gentleman of England, not above the degree of a knight might repair with the king's authority into the land

57 This may well be BL, Cotton MS Augustus, 1, ii, 21. If not, this map is derived from the map which once accompanied the 'Discourse': see introduction above.

58 The use of the term 'power of Irishmen' here is curious and may indicate that Cowley was familiar with the earliest known Tudor treatise on Ireland written during the 1490s, 'A Description of the Power of Irishmen', printed in Maginn and Ellis, *The Tudor discovery*, pp 80–9.

59 It is unclear if this refers to the two Breifnes, also spelled Brennys, and Cowley means the O'Rourkes and O'Reillys of West and East Breifne respectively. However, given the context, it is more likely that he means the O'Briens of Thomond and other parts of Munster.

60 Manuscript frayed.

61 Meaning *to be fatigued*.

with such a company as may be sustained with the issues and profits of the king's revenues of Ireland, which may see and perceive the disposition and demeanour both of the earl of Kildare and of the earl of Ormond and what service they will do to the king, being both out of authority to this particular reformation, which they effectually endeavouring their selves may without difficulty or colour of argument easily complete and bring to effect. And in their proceedings therein shall appear their toward or froward disposition to the general reformation, whereby the king may make his provision accordingly of more or less power as the cause shall require. If any objection be made hereunto that the land would disdain and not regard a bachelor knight, what time five earls together were in Ireland as the earls of Ulster, Ormond, Kildare, Desmond and Louth, an English bachelor knight bore the king's authority above 16 year<sup>62</sup> to whom all the said five earls and all the residue of the great men of the land were as obedient as they would [be] to the king's person. And the earl of Kildare's service to the king shall never appear till a mean man bear the authority. [f. 10r] This mean man to have a parliament holden before him and in the same to be enacted that none of the king's subjects have any Irish judge called brehons or remit any of their causes or of their tenants to any such Irish judges, but to [be] ordained by certain commissioners itinerant to be termly assigned to go amongst them, whereof part to be learned and part expert, which without dilatory process may hear and determine their causes without extremity of the law, but somewhat moderate with discretion and conscience.

To be enacted also that every man reputed himself the king's subject taking the benefit of the king's laws by inheritance or otherwise shave their over lips, let their hair grow to cover their ears, wear bonnets and English coats at the least. If it be said that bonnets and English coats be costly then [let] them diminish the superfluity of saffron upon their shirts and excess of silk upon their jacks wherewith they may buy bonnets and English coats.

That every gentleman put their sons to learn English and good manners to the cities and port towns or to such gentlemen as use continually ordinary English conduct.

That they generally speak English and upon great pain that they speak no

62 The medieval earldom of Louth existed briefly between 1319 and 1329 when John Bermingham was first earl of Louth. Although the dates are not exactly coterminous Cowley is almost certainly referring to John Wogan, who as lord justice of Ireland served as viceroy between 1295 and 1312, with just a brief interruption in 1308 when Piers Gaveston served as lord lieutenant. Wogan's Irish career did overlap with the brief life of the earldom of Louth as he continued to serve in Ireland down to his death in 1321: see *DIB*.



Irish amongst such as understand or can speak English, but only to such as can speak no English, and that they that be entered into English be rather compelled to speak in English than to be answered in Irish.

Whereas they use in camps and times of war to cry 'Cram Abo' and 'Butler Abo', that every of the king's subjects cry out only 'Saint George' which shall repel their ardent affection to any of the parties of Geraldines or Butlers.

[f. 10v] Item, that my lord cardinal's grace might impetrate<sup>63</sup> from Rome the Pope's jurisdiction general in Ireland during 7 years for a yearly sum to the Pope of 1,000 or 2,000 ducats<sup>64</sup> yearly or else for a certain sum [even] if it were 10,000 ducats now in hand, considering that the Pope knoweth not the king's subjects of the land from his rebels and often time ignorantly giveth benefices to the king's rebels whereby they have great maintenance and succour to continue in their rebellion against the king. This jurisdiction so granted thereby my lord cardinal might take from all Irishmen their benefices and win yearly a large sum of monies. And all the money that the officer in Rome have for Ireland causes, and all the money that is spent going and coming, might be converted to my lord cardinal's use, and this jurisdiction so obtained that provision be not dampened in the Irish country but to continue still amongst Irishmen so that daily one may impetrate upon another and bring all their coin to my lord cardinal for 'restipens' [restipulation]<sup>65</sup> and impetration till all their money be gone. And then to deprive them all and put the king's subjects in their steads.

Where the English marchers used to make war there against the other, every of them entertaining Irishmen to subdue his adversary, whereby their lands be destroyed and wasted, their strengths assembled, they impoverished, which to the Irishmen so entertained is great profit and pleasure, in eschewing thereof that none of the king's subjects make any such war one against other or entertaining Irishmen to make invasions redounding to their own confusions, but that certain discreet and indifferent personages be assigned to hear and determine all contentions, riots, routs and unlawful assemblies [f. 11r] requiring speedy redress in every of the marches and place of lands. And other causes that require not so hasty redress to be ordered and determined leisurely by the commissions itinerant so as always the Irish judges have no jurisdiction or intermeddling amongst the king's subjects.

63 Meaning *obtain by request or entreaty, or to procure*.

64 The value of this would depend on the type of ducat being referred to, though in likelihood the reference is to the Venetian ducat.

65 The act of promising or undertaking something in return for something.



Also, where the cities and borough towns of the English Pale be sore decayed by reason of their resorting amongst Irishmen, selling their merchandise is little or no profit and giving to the Irishmen for their wares of the country above the value, besides great gifts to them captains of the Irishmen for their favour, whereas [if] they would tarry at home and keep their markets the Irishmen of very necessity should be constrained to come to their markets and to sell their wares at the pleasures of [the] king's subjects, for they cannot keep their wares, no know what to do withal, and cannot forbear the merchandise of the towns, especially iron, salt, 'batrye' [battery]<sup>66</sup> and such other things. Therefore it might be enacted that none of the king's subjects repair to buy [or] sell in Irishmens' country but keep their markets in the Englishry upon certain pains. Where at such times as the Irishmen be at wars with the deputy and the king's subjects certain of the English marchers bordering to the same Irishmen make a secret truce for them self by tribute giving to the Irishmen called termon<sup>67</sup> and shall indent with the Irishmen that at their coming to invade or spoil the king's subjects the said English marchers so having particular truce shall make no resistance to the Irishmen nor rescue their neighbours' goods if they had sufficient power, which causeth the Irishmen to be bold in making roads and invasions and many times the same march termoners give notation<sup>68</sup> to the Irishmen where they may have a booty or prey and be partners with them of the same and so put out their own neighbours and their goods to the enemies. Therefore that no such marchers [f. 11v] or other take any such termon or particular truce with Irishmen being at war, but to stand

66 The meaning here is unclear, but battery may be meant as in the sense of referring to trade in ordnance.

67 'Termoners' is taken from the Gaelic *tearmonaigh*. This was a tenant of termon lands used to refer generally to coarbs and erenaghs. Thus the reference here is to an erenagh being a hereditary tenant of church lands enjoying a quasi-clerical status: see Kenneth Nicholls, *Gaelic and gaelicised Ireland in the Middle Ages* (2nd edn, Dublin, 2003), pp 224–6, for these definitions. In the Henrician period the term 'termoner' seems to have been used to refer to a soldier of some sort, particularly one residing near the march area, presumably on termon lands. The association with the march may also have led to the term being used as a bastardised version of the Latin meaning of 'limit' or 'bound' from *terminus*. Thus the 'termon' or 'termoners' in this context were Irish soldiers of the march region. The term was in wide use in the 1520s and 1530s: see, for instance, William St Loe, 'William Sayntloo to Cromwell', 1537, in Brewer, et al., *Calendar of the Carew manuscripts, 1515–1625*, i, no. 97, p. 116, where it is noted 'There is another sort of Irishmen named termoners or pensioners. These in like manner destroy this liberty [Wexford] by continual spoils'. Similarly, termons were referred to in the same breath as men of war in a report dating to 1533: see *SP Henry VIII*, ii, no. 63, p. 164, where it is noted 'no English lorde, ne capityne, make any bande or covenante with any Irishman to have right ought of him, or bering of men of warre, or termons, to his awne use; for that were a grete infelisheng of the Kingis strenght, and dymnytyon of his profightes'.

68 Knowledge, information or a notice.

to his adventure as his neighbour do and every of them to aid and fortify [the] other upon pain of death.

Item, where divers subjects of the Emperor, the French king and the king of Portugal repairing with ships of merchandise into the parts of Ireland make their port sales in creeks and piles amongst Irishmen, whereby the king loseth his custom and the Irishmen have great succour of wine, wheat, salt and all other manner of victuals, and have also ordnance, artillery and gunpowder, whereby the Irishmen be greatly fortified in annoying the king's subjects, that no such ship charge or discharge in any place in Ireland, saving at certain ports to be limited, as Dublin, Drogheda, Waterford, Ross, Youghal, Cork, Kinsale, Limerick and Galway, and nowhere else upon of pain of forfeiture of ship and goods. And that the king and my lord cardinal would write with expedition to the Emperor, the French king and the king of the Portugals that they would cause to be published throughout their realms and dominions that none of their subjects from henceforth break, bulk, charge or discharge at any haven, pile, creek or bay in Ireland, saving in only at the ports above specified for the considerations aforesaid, whereby the king's revenues may be enlarged and the Irishmen greatly hindered and enfeebled.

Item, where they use not to make hay in Ireland saving in the English Pale, in default whereof all the horses be served with corn only which causeth great scarcity of corn, and the cattle and beasts in default of hay [f. 12r] and fodder in the hard season of the year die with hunger, wherefore to spare the corn and feed the beasts that every husbandman and farmer having meadow ground in all places amongst the king's subjects keep their meadow ground from pasturing of beasts and enclose it till mowing time and make hay, which shall be a great commodity for the common weal and increase of cattle and sparing of corn. And that in every county, barony and parish there may be certain surveyors made to see it executed upon certain penalties. All these ordinances premised may be without difficulty completed and perfected without grudge or resistance of Irishmen which cannot be denied. And the same once done shall be a right great furtherance to the general reformation.

It is thought that yet a great feat might be done besides all the premises, as in subduing all MacMurrough's country and the Byrnes to [the] king. The country is of the duke of Norfolk's inheritance and other the king's subjects, whereof their ancestors have been peaceably possessed. May<sup>69</sup> that keep it may scarcely make 3 hundred horsemen. And it is a commodious and very fertile country and is situate to the earl of Kildare on the one side, the

69 'They' was probably meant here.

earl of Ormond on the other side, the county of 'Waysheford' [Wexford]<sup>70</sup> on the third side and [the] sea on the 4th side, where no Irishmen may come to succour or assist them but through the earl of Kildare or the earl of Ormond. And the earls of Kildare and Ormond cannot deny but they have power and strength sufficient to subdue MacMurrough and the Byrnes. Nevertheless, peradventure the earl of Kildare would allege that if he should attempt such a subduing upon MacMurrough that all the Irishmen of the land would confederate in one to resist the same, fearing and conjecturing [f. 12v] that if they should suffer MacMurrough so to be converted that all they should consequently be subdued, and they all being of one confederacy the earls of Kildare and Ormond with all their helps should not be able to resist and very late to pacify them after their assembly.

This may be well replied why more should Irishmen make a general insurrection to help with MacMurrough in this case more than have done in times past? For banishing of the Tooles out of Fercullen, a great dominion which the Tooles had ever, and by the earl of Kildare and his father clearly exiled and expulsed by force of the sword and the country in possession with the earl of Kildare and his brethren. In like manner the 'Fferture' [Fertire] taken from the Byrnes; 'Bynnetory', 'Cloghnogan' [Cloghgrenan], Clonmore<sup>71</sup>, the Fassagh of Bantry<sup>72</sup> and Old Ross taken from MacMurrough; 'Carrelagh'<sup>73</sup>, 'Kylkay' [Kilkea] and Athy taken from the Mores; Rathangan and Keshboyne<sup>74</sup> taken from O'Connor; and now very late by this earl of Kildare the barony of Rebane taken from O'More where the said earl of Kildare hath built a manor called Woodstock. All the said lands have been long time in Irishmens' hands and by the earl of Kildare and his father by reason of the king's authority plucked and taken from the said Irishmen and yet no general insurrection made by the residue of Irishmen. It is thought the earl of Kildare beareth too much favour to MacMurrough to see him subdued. He is his near kinsman and the said earl hath showed openly partiality of MacMurrough and in manner took open maintenance with [f. 13r] MacMurrough against the king's subjects as would be alleged to his charge. And againward the next strongest captain of MacMurrough's country called Cahir MacArt Óge

70 Wexford is almost certainly meant here, but there is a slight possibility that Waterford is being referred to as a spelling of this kind was utilised for both in the sixteenth-century.

71 Carlow.

72 In Wexford. A 'fasagh' (*fásach*) refers to a wilderness.

73 This is unclear, but given the geographical proximity of Kilkea and Athy to the eastern boundaries of the O'More lordship it may be a rendering of Carlow.

74 In northwest Kildare.

[MacMurrough Kavanagh]<sup>75</sup> which keepeth the country of Idrone, being the duke of Norfolk's plain inheritance, as it is said the earl of Kildare intendeth to marry his daughter to [the] said Cahir as he married another daughter to O'Connor, which be evident signs that the earl of Kildare will use him very slackly and [be] slow to the subduing of MacMurrough. But if he himself and the earl of Ormond had as good title thereto as the duke of Norfolk hath and might convert it to their own use they could find the means betwixt them two to win the country without any general insurrection of Irishmen. But if Irishmen would be still they shall make business at the said subduing to prove and verify my lord of Kildare's opinion aforesaid. Yet these reasons cannot be allowed or concluded. Better to forbear the subduing of MacMurrough than to enterprise the same. Yet there is another way to subdue him without any succour or insurrection of Irishmen as evidently shall appear. MacMurrough hath yearly of the king's revenues a hundred marks as in wages for his good service and he doth no service to the king nor to his subjects, wherefore the king's pleasure is that he shall no longer have the said wages, nor yet the exaction or annuity of his subjects and as much will he do for the withdrawing the said wages and annuity of his subjects. And as much will he do for the withdrawing the said wages and annuity<sup>76</sup> from him as he would to make a plain conquest upon him which he cannot be able to bear or sustain but in short time would be fain to surrender his wages and annuity and in the meantime the castle of Ferns and Idrone [f. 13v] may be won. And no other Irishmen will think any prejudice thereof, seeing they cannot claim no such wages or exaction. And so by colour of withdrawing of the said wages and annuity or exaction he may be subdued as well as by conquest apparent without any suspicion of other Irishmen. In this particular reformation may the Powers, Sir John FitzGerald of Desmond and the earl of Desmond's uncles, the lord Barry, the lord Roche, lord Cogan, the Knight of the Valley, Cormock Óge and MacCarthy Reagh, MacCarthy Mór, MacMaurice and O'Connor Kerry be severed from the earl of Desmond and surely bound to the king to do their uttermost against the earl of Desmond and to put in their pledges for performance of the same.<sup>77</sup> And also by the earls of Kildare and Ormond with the aid of the

75 One of the principal MacMurrough Kavanaghs of the Henrician and Edwardian periods, he was later granted the title of baron of Ballyan under a 'surrender and regnant' arrangement negotiated shortly before his death in 1554.

76 It is unclear if this is some accidental repetition, but it seems likely that the passage simply ends the preceding sentence and appears again here at the beginning of this sentence.

77 These were the principal Anglo-Irish and Irish lords of south Munster. The proposal here was to unite them against James FitzMaurice FitzGerald, eleventh earl of Desmond. He had ascended to power around 1520 and spent much of the following years attempting to extend Desmond power over these neighbouring lordships. He also engaged in what

others aforesaid may take the castle of Dungarvan<sup>78</sup> which is the greatest and principal refuge and succour that the earl of Desmond hath and it is the king's plain inheritance and one of his chief honours of Ireland, a great place of resort of fishing where cometh yearly two hundred sails of Englishmen to fish and continue there a long season.

To the general reformation it shall be expedient that the [king] make his lieutenant a noble, active, politique man, having experience of the land as the duke of Norfolk, with an army sufficient to proceed in his enterprise if any of the king's subjects would be untrue or slack and to do justice and execution upon such as should be found defective openly without fear and example of others or doubt of men of power, which army must be of 4,000 men, thereof 1,000 light horsemen of the north [f. 14r] such as been practiced in feats of war and will endure hardness of fare and lodging, and quick and ready to rescue the country when any hue or cry is raised; the footmen many gunners; some morris-pikes; the residue bows and bills, quick delivermen practised that will endure hardness and go in a night 16 mile to get a booty or prey; none such as be corpulent, men nourished with delicate fare, gorgeous apparel and soft lodging. Then must there be an order taken how this army shall be victualed at a reasonable price without enhancing<sup>79</sup>, as every gentleman to pay 2*d.* sterling a meal; every yeoman and other 1½*d.* a meal; 24 sheaves of oats of the best making for 2*d.* sterling, which shall suffice a light horse a night and a day without hay; and where hay may be had 20lbs. for an English penny; so a penny worth of oats and a penny worth of hay shall suffice a horse a day and night; and so 2*d.* sterling shall suffice a horse a night and day; 3*d.* a yeoman; 4*d.* a gentleman, except captains which must go to higher commons. And to the end that neither the army nor they where they shall succour shall have cause to complain that in every parish one captain discreet with the constable of every parish view and see their fare, and if they see it too

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were treasonous negotiations with Francois I of France, leading to the signing of a treaty in 1523, which among other stipulations involved his support for a Yorkist pretender to the crown of England, Richard de la Pole: see James Hogan, *Ireland in the European system* (London, 1920), pp 9–34; Declan M. Downey, 'Irish-European integration: the legacy of Charles V', in Judith Devlin and Howard B. Clarke (eds), *European encounters: essays in memory of Albert Lovett* (Dublin, 2003), pp 97–117; Anthony McCormack, *The earldom of Desmond, 1463–1583: The decline and crisis of a feudal lordship* (Dublin, 2005).

78 The lordship and castle of Dungarvan had passed to the crown under the terms of the Treaty of Windsor (1175) negotiated between Henry II and Ruaidrí Ua Concobair. Custody of the castle and lordship had generally been granted to high-ranking Anglo-Irish lords such as the Desmond Geraldines and the Butlers of Ormond throughout the late medieval period, but the lordship was still in the possession of the crown in the sixteenth-century.

79 Meaning *increasing prices*.

slender to admonish the host to amend it, and if they see it competent to admonish the soldier to hold him content therewith. And in like manner for the oat sheves a bushel of oats for 6*d.* sterling. The bushel there is as much as two at London and the oats sold by heap. Also for gentlemen that will keep houses a quarter of beef cow beef in the shambles for 14*d.* sterling a quarter; of the second 12*d.* for a quarter; of the third 10*d.*; 4 quarters of mutton for 12*d.* sterling. [f. 14v] For all other things may be rated by the clerk of the market by the advice of the lieutenant and his council.

First, to send motions for O'Neill, O'Donnell and MacWilliam to persuade them by policy so as they shall help the lieutenant in his affairs or at least keep them still from maintaining any Irishmen and to express unto them that the king's pleasure is to have the land reformed and all war, idleness, oppressions and such abusions to be laid down, the waste land to be tilled and manured and the commodities of the land reduced to profit. And the king noting such gravity and wisdom in them by reason of justice and good order they keep in their dominions and their constancy, that his grace trusteth, they perceiving the great benefit that to them and all their posterity may grow by the reduction of the king's noble purpose to good effect, they will not only condescend and incline thereunto, but with toward minds advance and further the completing of the same. And because his grace intendeth to handle them more gently and favourably than others, as plainly they shall perceive by the proceedings ensuing, and to the intent that other inferiors perceiving them inclining to the king's pleasure will the rather inform them to be contented accordingly, that if [they] will become the king's subjects, taking him for their sovereign lord, confirming them to obey and observe such orders and provisions as his grace shall devise and establish for reformation of the land, and to surrender and yield into the king's hands all the interest, title and possession that they have in their lands, putting in their pledges for the same, they shall perceive the king's benevolent mind unto them and if they grudge [f. 15r] or stick some wise fellow must give them privy comfort that they shall not fear for they shall take no hurt thereby [and] the king will suffer them to have their lands forthwith again yielding to him a light chief rent yearly. And if they agree thereunto then the lieutenant to [tell] them that the king is content that they shall have their lands again holding the same of his grace by certain light rent yearly. And they will perceive none other but that they have a state of inheritance where indeed the surrender taketh away all the state of inheritance and the taking thereof again maketh them tenants at the king's will, whose grace may do with the lands his pleasure when [he] seeth opportunity and time. And all those covenants to pass in writing by indenture. But these three men may not be at one instant together provided, but severally and every of them sworn the secrets what shall be showed to



him in the king's behalf. And if they or any of them will not agree to this order then to inquire of them what they will offer the king to do that the lieutenant may advertise the king of their offer and know his pleasure therein and to take peace with them for a twelve month. If the default be in O'Neill O'Donnell may be let slipped at him [and] with a little comfort shall subdue him. If the default be in O'Donnell O'Neill with a little help shall subdue him. If the default be in them both or in all three the means may [be] found to put them all together by the ears and one to destroy the other as followeth: MacWilliam challengeth Sligo O'Donnell<sup>80</sup>, whereunto neither of them have right. It is the kings. And O'Neill challengeth another parcel [f. 15v] of land which O'Donnell keepeth and easily the means may be found to join with MacWilliam and O'Neill together against O'Donnell. Then will MacNeill of Clandeboye take part with O'Donnell. There will be good marching and jolly sport and all the Irishmen of Connacht and Ulster will take with one and the other and once that they enter in tangling it cannot be taken up and every of them shall have enough to do to defend himself so as none of them shall have power to interrupt the lieutenant to do what he list in Leinster. Then may the lieutenant with his army surely begin with MacMurrough and show him that he having the king's wages and a great annuity of his subjects hath done more displeasures to the king and annoyance to his subjects than any other Irish man hath done, especially that he would not in the king's honour forbear to invade and destroy the earl of Ormond's lands and he being with the king and keepeth the castle of Ferns and all Idrone, the duke's inheritance, wherefore the king will that the duke and other his subjects shall be restored to their possession of their inheritance, and will not have more war extortion, oppression, coign nor livery. And if he and all his kinsmen will yield and render their [arms]<sup>81</sup> to the lieutenant, exile and put away their kern and galloglass and idle men, putting them to husbandry and other labour, the king can be contented that MacMurrough and every gentleman of his kinsmen shall have a parcel of land to live upon, paying to the king yearly for every acre of arable land 4*d*. and if they will not agree so to do then to shift the best they can for themselves. First, to take all his castles and garrisons and to prostrate<sup>82</sup> none but to set wards [f. 16r] in them and to make divers villages in the country and to cast ditches and make hedges about them, which with 2 or 3 'hakbushes' [harquebusiers] in every such village is enough to keep out MacMurrough. And good provision of wood axes must be to cut their woods, not the great woods of oaks which they

80 The O'Donnells had often sought to encroach into Sligo and contested the region with the Irish and English of Connacht.

81 The text here is unclear but appears to read 'arms'.

82 The word seems to be used here in the sense of to lie or to plant.

repute no fastness, but the thick woods of hazel and sallow which they take for great assurance, and the same being cut over in breadth where it [is] narrowest and a way made through so broad that 20 men may go together in a rout they be exiled from that wood and will no more take it for any fastness. Once their castles [are] taken and ways cut through their woods they be mated<sup>83</sup> and past all succours. And it won then shall the narrow English Pale be enlarged 200 miles in length and 20 miles broad and in some places 40 or 60 miles broad together without any Irishman betwixt them in all Leinster which is [the] fifth part of Ireland, and so in all other places. Amongst Irishmen there remain yet foundations of manors, castles, walled towns and piles where Englishmen have inhabited which with a little reparation might be made strong enough to keep out Irishmen. The said MacMurrough's country and the Byrnes so won then and not before to have out of England of such as were born in Ireland a certain number to inhabit the country. And so as countries may be won to have companies successively to inhabit, for if a great multitude should be sent out of England before a place of inhabitation purveyed they should but make victuals too dear and impoverish themselves, so [for] the winning of MacMurrough's country must be staples [of] victuals to serve the army, one at Ross, another at [Arklow]<sup>84</sup>, the third at Carlow. [f. 16v] This feat finished next consequently to begin with O'Connor and to express to him as was said to MacMurrough, that he hath a great yearly tribute of the king's subjects to defend them and doth more hurt to them than any Irishman. And that the said duke being the king's lieutenant made him O'Connor, gave him gifts, showed him great humanity and for all that could never find steadfastness in his promise or acts but ever deceits and cruelty, whereby the king hath small confidence in him, wherefore if he will do as is afore rehearsed to MacMurrough well is, otherwise, etc. To win that country the staple of victual must be one at Keshboyne, another at Rathangan. To this ye must have a ward at Keshboyne, another at Rathangan, another at Monasteroris<sup>85</sup> and one in Darcy's Castle by Tyrrel's country called 'Kanagad' [Kinnegad]<sup>86</sup> and a company of horsemen and footmen in every of these places to make roads in every quarter. His woods be well cut already but it is to be considered that O'Connor hath my lord of Kildare's daughter to his wife, whereby he trusteth to have favour of the

83 Confused or bewildered.

84 Manuscript frayed.

85 In the western extremity of Offaly, on the border with Kildare.

86 Kinnegad in what would become the county of Westmeath in 1542, on the border with Meath and near that with Offaly. Cowley may have been referring more specifically to William Darcy's castle of Rattin near Kinnegad.



county of Kildare. These 4 exercites<sup>87</sup> assaulting the country in 4 several parts with god's grace may soon win that country. And it being won the key of Ireland is gotten and O'Melaghlin, O'Mulmoy, O'Doyne, O'Dempsey, O'More and O'Meagher clearly be won in like manner. And after the same manner to go forwards to the river of Shannon, ever keeping what is gotten and to have in every pile and castle a cresset<sup>88</sup> ready to be set upon the top of the pile with light in it when any Irishmen enter into the country making any roads, [f. 17r] whereby the inhabitants may have warning to flee and convey their beasts and cattle into the towns from the hands of the enemies, and the king's men of war may know in what part of the country the road is made by the light of the castle, whereby they may prevent the return of the Irishmen and at a strait encounter them and assail them.

Item, as every country is won to make certain freeholds in every country giving a certain freehold with lands to every of them and their heirs yielding to the king yearly 4*d.* of every acre of arable land, which estate of freehold shall make [them] to dwell and continue upon the land and defend the same. And if one were slain his next heir will come in his stead and room and so the country always replenished with men for the sure keeping of the same. And when the land may once be brought to good quiet and due obeisance<sup>89</sup> then the king may by act of parliament enlarge his realm after his pleasure.<sup>90</sup>

Some persons would hold opinion that it [is] more surer and beneficial for the realm of England that Ireland should continue still in contention and division than to be generally reformed, for being so reformed it might be doubted that the lieutenant of the same having all the power of the land at his commandment and conduct would consider or practice with outward enemies of the realm and do great annoyance to the realm, whereas being in division they cannot be able to hurt or prejudiceth England. If any keep such opinion it might be thought they speak it only to continue their pleasant pastime, soft lodging and good fare in England, eschewing any pain to be taken in Ireland, hearing of the misery [f. 17v] of the land worse than it is indeed, for if that opinion were good it should be better that all his<sup>91</sup> remote realms and dominions were in dissention than of concord. It is seen plainly that his dominions in remote parts be as obeisant and profitable to

87 An army or host.

88 An iron vessel made to hold oil or other flammables to be burnt for light as a signal fire.

89 The action of obeying.

90 It is unclear if this is a veiled proposal to have Henry elevated to the kingship of Ireland, or, as seems more likely, to shiring those parts of the country which had not been formed into counties in the late medieval period.

91 The king's. The usage here is somewhat strange lacking the more honorific 'Majesty'.

him as the realm wherein he is personally resident, and to have dominion without obeisance or profit is but a void thing of derision. And if Ireland were reserved I would not think expedient that one lieutenant or deputy should have the rule of the whole land unless he were of England, but to have 5 captains every having a certain limitation how far his authority should extend to govern and none of them to intrude within the precinct of the other. And when any need should be required of any of them to help and assist [the] other as the king's council of the land should advise them. And every of them to have a standing fee. And if one of them or two would conjecture any untruth they dare not for the other three. And it cannot be contended that they all five distancing so far may be of one mind and will to combine in one to do any act redounding to the transgressing of their allegiance. And [if] it be said that so many deputies in the land were not convenient or would by their variances bring the land in more desolation and trouble then otherwise the more personages that have the king's authority the larger is the king's obeisance and his power augmented and his royal authority nothing thereby prejudiced but increased. It is seen by experience that divers counties palatine be in England having royal jurisdiction [f. 18r] reserved certain points, and divers cities and towns privileged having manors with swords borne before them, and all those things abridge nothing the king's royal jurisdiction or power but enlarge the same, for better it is that the king's officer should be at every quarter in the country and every of them comparing who should [do] best in his limitation to win the king's favours then the charge of the whole land to be given to one man which lieth in a corner of the land and seldom or never resorteth to the remote parts of the land to see any good order. And by reason of his distance they in the remote parts regard him not, but [do] him that would continually in their necks [be] ready to punish them when they offend. But the lords of the English Pale would have none but one that should dwell continually amongst themselves and take no charge of the residue of the land.